



NEW JERSEY DEPARTMENT
OF CHILDREN AND FAMILIES

New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	127	Manual Of Requirements For Residential Child Care Facilities	3/27/2009
Subchapter:	5	Staff Requirements	
Section	7	Child Abuse Record Information background checks (N.J.A.C. 10:127-5.7.)	

§10:127-5.7. Child Abuse Record Information background checks (a) As a condition of securing and maintaining a certificate, the facility shall provide written consent to the Division from the director and each staff member for a Child Abuse Record Information (CARI) background check to be conducted.

(b) If the director refuses to consent to or cooperate in a CARI background check, the Division shall deny, suspend, revoke or refuse to renew the certificate, as applicable. The facility may appeal the denial, suspension, revocation or refusal to renew, as specified in N.J.A.C. 10:127-2.4.

(c) If a staff member refuses to consent to or cooperate in a CARI background check, the facility shall immediately terminate the staff member's employment at the facility.

(d) Upon receipt of written consent from an individual specified in (a) above, the Division shall conduct a search of its records to determine if an allegation of child abuse or neglect has been substantiated, pursuant to section 4 of P.L. 1971, c.437 (N.J.S.A. 9:6-8.11), against the individual.

1. The Department shall consider incidents of child abuse and neglect that were substantiated on or after June 29, 1995, to ensure that the perpetrator has had an opportunity to appeal a substantiated finding of child abuse or neglect.

2. The Department may consider incidents substantiated prior to June 29, 1995 if the Department, in its judgment, determines that the perpetrator poses a risk of harm to children in a facility. In cases involving incidents substantiated prior to June 29, 1995 in which the Department determines that the individual is disqualified, the Department shall offer the perpetrator an opportunity for a hearing to contest the substantiation.

(e) If the Division determines that an allegation of child abuse or neglect has been substantiated against an individual specified in (a) above, the facility shall immediately terminate the individual's employment at the facility.

(f) If the Division determines that an allegation of child abuse or neglect has been substantiated against a director, the Division shall deny, suspend, revoke or refuse to renew the certificate of approval, as applicable.

1. The facility may appeal the denial, suspension, revocation or refusal to renew, as specified in N.J.A.C. 10:127-2.4.

2. If the incident was substantiated prior to June 29, 1995, the Division shall notify the individual in writing that the individual may request a hearing to contest the substantiation.

(g) If the Division determines that an allegation of child abuse or neglect has been substantiated against a staff member, the facility shall notify the staff member in writing that the termination of employment is based on a substantiated allegation of child abuse or neglect. If the incident was substantiated prior to June 29, 1995, the facility shall notify the staff member in writing that the staff member may request a hearing to contest the substantiation.

-End-